

Hunters Pt Tetra Tech Q&A - EPA
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Q. We have seen the draft Rad Data Evaluation report. It shows a great deal of falsification. You should dig out and rescan everything.

A. The Navy has already agreed that resampling is needed in all portions of the area where Tetra Tech EC, Inc., previously did radiological work. Digging out and rescanning will start in the areas most likely to have had falsified samples taken from them and where contamination is most likely to be found. This will allow additional cleanup work, if needed, to start as soon as possible.

Q. How can the Navy say no resampling needed in some survey units when the forms show that a sign of falsification has been identified in that survey unit? The Navy's Data Evaluation Report has contradictions and does not reflect the scope of potential falsification. What does EPA think of this report?

A. The Navy's conclusion is that all locations need resampling. EPA agrees with that conclusion. EPA's review found more signs of potential falsification or data quality concerns than the Navy did.

Q. Why did EPA find more concerns than the Navy?

A. EPA's technical experts had a greater degree of concerns based on its independent review of these data. For example, we recommended resampling where data collected in different ways was not consistent with one another. More specifically, in some cases, scanning the soil with a moving a detector across the soil was not consistent with results from holding a detector still in specific locations. We also looked for signs of potential data quality problems in addition to signs of potential falsification. For example, data were sometimes missing.

[For reference, this is what our comment letter said:

- In Parcel G, out of the 43 trench units that the Navy had not already recommended resampling:
 - Over half had inconsistencies between gamma scan and static data and over one-third had other types of inconsistencies (e.g. on-site and off-site lab results differ by more than 10 times, plots showed signs that multiple sources of soil were likely in the data set, etc.)
 - In a third, the narrow range of gamma static data indicates measurements were not collected from different locations, as required.
 - In six, some data were missing so some evaluations could not be done.
 - In a few trench units, biased sample results appeared lower than other data sets. Biased samples are supposed to be collected in locations of highest scan results, so they would be expected to be higher, not lower, than other data sets collected in random locations.

- Other concerns were found through data evaluation, and most trench units showed red flags of multiple types.]

Q. The Navy should interview all the former workers because they know best where the contamination would be.

A. The review of the data has already shown enough signs of potential falsification and/or potential data quality problems to conclude that all locations need resampling. Therefore interviewing former workers would not be necessary to increase the scope of locations of concern.

Q. The community should be involved in reviewing the sampling plan

A. EPA wrote a letter to the Navy last year recommending “Accepting formal public comment on key documents (*e.g.*, milestone workplans) should also be factored into the Navy’s workflow.”

Q. What is EPA’s role in reviewing the sampling plan?

A. The Navy’s third party independent contractor is drafting a sampling plan, which EPA and other regulatory agencies will review.

Q. Why has the sampling and new cleanup been delayed for so long? What have you done in a year since we last met? You should have started sampling long ago.

A. The Navy chose to conduct a thorough data evaluation. This evaluation found widespread signs of potential falsification and data quality problems. These findings help guide the resampling effort.

Q. If you don’t dig everything up, then you will expose future trench workers.

A. The regulatory agencies will not approve a plan that does not address protection of workers.

Q. If you don’t dig everything up, then sea level rise will spread radiation into the San Francisco Bay.

A. The shorelines are being designed with protections that take into account sea level rise. For example, at the Parcel E-2 landfill site, when complete, the combined size of the revetment wall and sea wall will be 35 feet wide and twelve feet higher than current average sea level. The walls are built to withstand future sea level rise, severe earthquakes and waves as high as any experienced in the past one hundred years. These walls are just one part of a comprehensive protection system, which also includes a six-foot thick cover. In addition, groundwater is sampled twice a year to check if contaminants have moved toward the San Francisco Bay.

Q. We don’t trust the Navy. The EPA should take over.

A. EPA is closely monitoring the Navy's work to ensure compliance with the Superfund law. According to the Federal Facility Agreement, consistent with practice nationwide at military sites, the Navy is the lead agency that cleans up the HPNS.

Q. I think the new President/EPA Administrator is changing the level of environmental protection.

A. The Hunters Point team is continuing to apply the same protectiveness standards from the Superfund law and EPA guidance as it has through many years.

Q. Your cleanup standards for Buildings are not protective enough using the latest version of the EPA BPRG Calculator

A. Where waste is left in place, EPA requires that the Navy must review the integrity of the remedies at least every five years to ensure that the cleanup and monitoring systems are still protective of citizens and the environment. We will review the latest version of the BPRG Calculator as part of that process.

Q. EPA should go to EJ Task Force Meetings

A. The Navy is hosting multiple opportunities for public involvement, such as the Jan. 31 meeting and office hours for its Community Liaison and Community Technical Advisor. EPA attends all Navy public meetings. You can call Lily and Jackie any time. EPA is focusing our limited staff time on oversight of the Navy's investigative work.

Nothing is more important than getting this project right moving forward, and the Navy is committed to being as open and transparent about the work to correct the contractors' falsifications. I'm here in-person out of respect for the community and its concerns, to show that I'm available to meet with you and help answer any questions you have so you can make informed decisions about your health and community.

Q. How do these results of this investigation affect the present non-radiological cleanup on the base?

A. The other cleanup work is still moving forward at the same time. If information from the radiological evaluation comes to light that affects other cleanup underway at the site, it will be reviewed and factored into the ongoing cleanup work as needed.

Q. How does the rad issue affect the transfer schedule?

A. We won't know the true extent of contamination until new sampling results come back. The timing is difficult to predict. As EPA and the State wrote in a September, 2016, letter, "the Navy will not propose any further transfers of Navy property at HPNS without results of these investigations and/or any other Navy action necessary to clarify the actual potential public exposure to radioactive material at and near the HPNS."

Q. Parcel E and E 2 have radiation in them that has not been characterized. How is the Navy going to protect the public when these are developed into residences nearby?

A. At Parcel E-2, around 100,000 cubic yards of material has been removed and scanned for radiation, and more excavation and scanning is continuing. At Parcel E, soil is also being excavated and scanned for radiation. In addition, other measures in place will protect residents from exposure.

Q New allegations have been made by more whistleblowers about fraud at HPNS. What are you going to do about those new allegations? Are current residents and workers in danger? What about the allegation made regarding Parcel A?

A. EPA has reviewed the Navy's past HPNS cleanup reports, applying the current EPA risk model, and found that the Navy's earlier work had achieved the cleanup level needed to protect human health and the environment. The transfer of some HPNS parcels to the City of San Francisco for redevelopment has been delayed at least a year due to the falsification of radiation data by the Navy's contractor, Tetra Tech EC, Inc. The Navy, under EPA oversight, is addressing these falsifications by re-assessing past data, taking new samples, and, if necessary, conducting additional cleanup.

EPA is taking this data falsification very seriously, as preventing current and future residents and workers from being exposed to contamination is our utmost priority. EPA has evaluated the allegations made against Tetra Tech EC and has concluded that the multiple layers of oversight in place at HPNS have prevented and will continue to prevent current residents and workers from being exposed to contamination above health-based standards. Under EPA and State oversight, an independent third-party contractor (not Tetra Tech EC) has been hired by the Navy to evaluate past data, conduct re-sampling, and evaluate new data taken from areas resampled. This independent effort will evaluate the potential for exposure to future residents and workers. The results will determine if more cleanup action is necessary before transfer of additional property to the City/County of San Francisco proceeds.

Independent radiological monitoring of dust, groundwater, ground surfaces, and fence lines have shown no exceedances of health-based standards, and independent third party contractors routinely conduct in-person observations of current radiological cleanup work.

The Navy has committed to addressing all allegations of fraud and wrongdoing at the HPNS, and will incorporate any new allegations into their ongoing review of Tetra Tech's work at the Shipyard. We welcome and appreciate any new information that former workers or community members can provide us on the company's conduct and its activities at the Shipyard. Please contact the individuals below if you have more information.

Q. EPA should not have allowed Tetra Tech to continue working after knowing about falsification for 3 years.

- A. Right now Tetra Tech ECI is not doing any radiological field work. The EPA Superfund office's role is to ensure the site is cleaned up properly. Other parts of the federal government may be involved in investigations that are more relevant to Tetra Tech's contracts and ability to continue working. The Superfund program office is not privy to enforcement confidential information that any other parts of the Federal Government may or may not be collecting. If anyone has any questions, tips, or complaints related to enforcement, at the October EJ Task Force meeting EPA gave out the phone number of Jay Green, Director of the EPA Criminal Investigation Division: 415-947-4650.

The EPA Superfund Program's oversight role is to ensure protectiveness of the Navy's cleanup. Tetra Tech EC, Inc., is the Navy's contractor; EPA's Superfund Program does not have any authority to enforce the terms of Tetra Tech's contract. That is why the focus of this office is on the need for accurate data as a basis for cleanup decisions.

Q. The developer is setting the agenda for the Tiger Team and excluding the community.

- A. Protecting this community is our number one priority for this cleanup; nothing is more important than that. The sampling and retesting process is designed to ensure that the land is safe before being passed to the city, and it won't be transferred until this happens. EPA is committed to making sure that the process is done correctly.

The Navy, as the lead agency, will provide updates on the resampling and testing process, and we don't have a firm date on when they will provide their final report for review. The Navy has an updated fact sheet to share information on where they are in their re-evaluation. The fact sheet explains:

- how they're evaluating the data;
- what they have found so far; and
- what their plans are moving forward.

The Mayor sends invitations to his meetings, so please contact the Mayor's office about any of these meetings. The Mayor's meetings aside, the community has other avenues to ask questions or provide input on the cleanup at HPNS. For example, Dr. Kathryn Higley from Oregon State University Dr. Higley—the technical advisor provided by the Navy—is available to have conversations with individuals. Dr. Higley and James Bryant are here. Let me take you to them.

Q. A technical assistance grant should be provided to the community so we can have the resources to hire a qualified independent expert and to pay for sampling and testing

A. EPA no longer has resources for TAG grants at Federal Facilities nationwide.

EPA recommended to the Navy in writing that it hire a technical advisor, and the Navy has hired Dr. Kathryn Higley as the community technical advisor.

EPA and State regulators will do onsite monitoring of resampling and will request split samples for rework for independent analysis. EPA is not the lead agency on the cleanup

and cannot grant property access to community groups for oversight of the work. Only the Navy can grant access.

Q. Why won't the NRC revoke Tetra Tech-EC's license?

- A. EPA does not have jurisdiction over the license. NRC's public contact person is Diane Screnci at 610-337-5330.

Navajo Abandoned Uranium Mines Contract Talking Points

- Hunters Point
 - Several processes are ongoing in parallel. EPA's Superfund program continues to evaluate the work independently to make decisions about sampling and cleanup needed prior to any further transfers of properties. NRC is independently reviewing the NRC petition for revoking the license of Tetra Tech EC, Inc. Several agencies are investigating allegations related to Hunters Point Naval Shipyard.
 - Tetra Tech is a large company with many different offices and different subsidiaries working at private and federal sites across the country. Federal contracting rules require that we evaluate each bid independently and that the parent company is generally not responsible for actions of a subsidiary. The contract selection process does not allow for any discretion on the part of the government, and is in fact designed to remove any bias by separating it from the project design and management process.
- Navajo contract – Refer press/public to Margot Perez Sullivan. For professional colleagues, background facts:
 - While this is a Superfund contract, the Contracts selection process is legally required to be completely separate, independent, and confidential, consistent with Federal contracting requirements. Federal agencies are generally prohibited from using the existence of ongoing investigations or allegations of misconduct as a basis to deny the award of a contract outside the processes for suspension and debarment set forth in the Federal Acquisition Regulation.
 - After careful consideration and a rigorous review of all proposals submitted to the agency for the Navajo Area Uranium Mines Response, Assessment, and Evaluation Services contract, Tetra Tech was chosen by an EPA panel of technical experts and professional contracting staff, as required by law. The EPA is aware of and takes very seriously the allegations against Tetra Tech EC, Inc., a subsidiary of its parent company Tetra Tech, Inc. The agency recognizes the public may have concerns regarding this selection. As with all contracts, the EPA

will review all data and deliverables to ensure work is being performed properly and will be reporting results to the public as it becomes available.

- Contract decisions are made according to standard Federal procedures that must be followed strictly. The contract recipient is Tetra Tech, Inc., parent company, legally separate from Tetra Tech EC, Inc., a subsidiary. The NRC enforcement action was against Tetra Tech EC, Inc., not Tetra Tech, Inc., parent company. Tetra Tech EC, Inc., took corrective action and has not been suspended or debarred. Information about a different company is not permitted to influence Federal contracting decisions.
- EPA staff will oversee the Tetra Tech, Inc., work in the field. This will be a time and materials contract. Tetra Tech, Inc., cannot bid to do the cleanup work later. Tetra Tech has committed to hire many local residents, a community priority.

Q's & A's

Q1. How could EPA give a contract to Tetra Tech after they were proven to have falsified data? And after NRC did an enforcement action against them?

A1. Federal law prohibits any federal government agency from using the existence of ongoing investigations or allegations as a basis to deny contract decisions. The suspension and debarment process protects the federal government from fraud, waste and abuse by using several tools to avoid doing business with non-responsible contractors. Neither Tetra Tech EC nor its parent company, Tetra Tech, Inc., has been debarred or suspended from winning federal government contracts.

After careful consideration and a rigorous review of all proposals submitted to the agency for the Navajo Area Uranium Mines Response, Assessment, and Evaluation Services contract, Tetra Tech was chosen by an EPA panel of technical experts and professional contracting staff, as required by law. The EPA is aware of and takes very seriously the allegations against Tetra Tech EC, a subsidiary of Tetra Tech. The agency recognizes the public may have concerns regarding this selection. As with all contracts, the EPA will review all data and deliverables to ensure work is being performed properly and will be reporting results to the public as it becomes available.

Q2. Why hasn't Tetra Tech been disbarred or suspended? Weren't they found guilty of fraud in the NRC enforcement action?

A2. The investigations into the allegations at Hunters Point are ongoing. While one administrative enforcement matter brought by the NRC has been concluded, the EPA, the NRC, and the Navy continue to research and investigate all of the allegations made against the company, including those that were brought to the agencies' attention after the initial NRC investigation. There have been no final legal findings in these investigations, and Tetra Tech EC, Inc. has not been suspended or disbarred.

Q3. How can we trust the Navajo Nation residents and workers will be protected from exposure to radiation when Tetra Tech is doing the work?

A3. EPA directs this contract. EPA has approved a rigorous quality control plan and health and safety plan. EPA staff will oversee the Tetra Tech work in the field.

Q4. Why couldn't you wait to award the contract until after the NRC concludes its review of the petition to revoke Tetra Tech's license? And/or after any potential further enforcement actions?

A4. Timely characterization and cleanup of Navajo Uranium mines is a public health priority to the Navajo community and the EPA. The matters are separate and are proceeding on separate timelines. In addition, the NRC is the lead in considering and responding to the petition to revoke Tetra Tech's license, not EPA. The Superfund program office is not privy to enforcement confidential information that any other parts of the Federal Government may or may not be collecting. If anyone has any questions, tips, or complaints related to enforcement, please contact Jay Green, Director of the EPA Criminal Investigation Division: 415-947-4650.

Q5. What could change this decision? What if later, NRC revokes Tetra Tech EC's license? Or an enforcement action comes out?

A5. For any contract, EPA takes whatever new information comes to light and evaluate how that would impact the ability to continue a contract. However, it is important to note that Tetra Tech EC, Inc., and Tetra Tech, Inc (the parent company), have separate licenses from NRC for handling radiological materials. For the parent company license to be revoked, NRC would likely need to show evidence that the parent company was liable or involved in the wrong-doing alleged in the NRC petition.

Q6. What is the process for NRC to make a decision about revoking a license? What are the potential consequences to Tetra Tech EC, if the investigation concludes that they falsified?

A6. For questions about NRC's process and consequences, please contact Diane Screnci at 610-337-5330.

Contact information

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Navy's Radiological Health and Safety Representative to the community: Dr. Kathryn Higley, ph# (541) 737-0675,

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Community Liaison Office Hours (James Bryant)

- First Tuesday of every month from 2:00pm-4:00 pm
- Location: JBR Partners, 1333 Evans Avenue, San Francisco, CA 94124

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